

Mathew K. Higbee, Esq.
California Bar No. 241380
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8350
(714) 597-6559 facsimile
Email: mhigbee@higbee.law

Attorney for Plaintiff,
GREAT BOWERY INC. d/b/a TRUNK ARCHIVE

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

GREAT BOWERY INC. d/b/a
TRUNK ARCHIVE,

Plaintiff,

v.

DELUXE BEAUTE BEVERLY
MEDICAL SPA, A PROFESSIONAL
CORPORATION d/b/a DELUXE
COSMETIC CENTER; CHERYL
CHEN, individually; KEVIN DO,
individually; TIFFANY HO,
individually; and DOES 1 through 10
inclusive,

Defendants.

Case No. 2:24-cv-1334-CBM-SK

**NOTICE OF MOTION TO
WITHDRAW REQUEST FOR
CLERK'S ENTRY OF DEFAULT AS
TO DEFENDANTS DELUXE BEAUTE
BEVERLY MEDICAL SPA, A
PROFESSIONAL CORPORATION
d/b/a DELUXE COSMETIC CENTER;
CHERYL CHEN; and KEVIN DO AND
TO EXTEND THE TIME FOR
RESPONSE TO COMPLAINT**

Filed and Served Concurrently:

1. Declaration of Jayma C. Leath

2. [Proposed] Order

Judge: Hon. Consuelo B. Marshall

Courtroom: 8D

Hearing Date: April 28, 2024
10:00 a.m.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 28, 2024 at 10:00 a.m., or as soon
thereafter as the matter may be heard in the courtroom of the Hon. Consuelo B.

1 Marshall of the above-titled court, located at Courtroom 8D, of the First Street
2 Courthouse, 350 West First Street, Los Angeles, CA 90012, Plaintiff Great Bowery
3 Inc. d/b/a Trunk Archive (“Plaintiff”) will move for an Order to withdraw Plaintiff’s
4 request for the Clerk to enter default in this action against Defendants Deluxe Beaute
5 Beverly Medical Spa, A Professional Corporation d/b/a Deluxe Cosmetic Center
6 (“Deluxe”); Cheryl Chen (“Chen”); and Kevin Do (“Do”) [Doc. No. 18] and will also
7 move the Court to grant an extension to Defendants Deluxe, Chen, and Do to answer
8 or otherwise respond to the Complaint on or by June 10, 2024.

9 In the alternative, Plaintiff would request that the Court consider this matter
10 appropriate for disposition without a hearing pursuant to Fed. R. Civ. P. 78; Local
11 Rule 7-15.

12 This Motion is based on this Notice of Motion and the Declaration of Jayma
13 C. Leath in support.

14 DATED: May 14, 2024

Respectfully submitted,

16 /s/ Mathew K. Higbee
17 Mathew K. Higbee, Esq.
18 Cal. Bar No. 241380
19 **HIGBEE & ASSOCIATES**
20 1504 Brookhollow Dr., Ste 112
21 Santa Ana, CA 92705
22 (714) 617-8350
23 (714) 597-6729 facsimile
24 mhigbee@higbee.law
25 *Counsel for Plaintiff*

CERTIFICATE OF SERVICE

This is to certify that on this day, the 14th of May, 2024, I electronically filed the within and foregoing:

- **Notice of Motion To Withdraw Request For Clerk's Entry of Default As To Defendants Deluxe Beaute Beverly Medical Spa, A Professional Corporation d/b/a Deluxe Cosmetic Center; Cheryl Chen; And Kevin Do And To Extend The Time For Response To Complaint;** and
- **[Proposed] Order**

and have served all parties who have appeared in this case by using the CM/ECF system, which will automatically send an email notification of such filing to all attorneys of record listed with the Clerk of Court.

/s/ Mathew K. Higbee

Mathew K. Higbee

Attorney for Plaintiff Great Bowery